

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Mailed: March 30, 2005

Opposition No. 91162780

GOLD SHELLS, INC.

v.

Cangiarella, Keith

Peter Cataldo, Interlocutory Attorney

On December 10, 2004, applicant filed an answer to the opposition and a counterclaim to cancel opposer's pleaded registration(s). Applicant filed the proper fee. On January 24, 2005 and January 26, 2005, the Board issued orders allowing opposer time in which to respond to the counterclaim, and resetting trial dates herein. It is noted that opposer's copies of these orders were returned by the United States Postal Service as undeliverable. Subsequently, the Board has corrected opposer's address in our records.¹

Opposer and counterclaim defendant, GOLD SHELLS, INC., is allowed until **THIRTY DAYS** from the mailing date of this order to file an answer to the counterclaim. See Trademark Rules 2.106(b)(2)(iii) and 2.121(b)(2).

¹ The Board's delay in coming to a determination in this matter, and any resulting inconvenience to the parties, is regretted.

In accordance with the Trademark Rules of Practice, discovery is open, and the close of discovery and testimony dates are set as indicated below. In each instance, a copy of the transcript of testimony, together with copies of documentary exhibits, must be served on the adverse party within thirty days after completion of the taking of testimony. See Trademark Rule 2.125.

THE PERIOD FOR DISCOVERY TO CLOSE: 6/30/05

Testimony period for
plaintiff in the opposition to close: 9/28/05
(open for thirty days)

Testimony period for defendant in the opposition
and as plaintiff in the counterclaim to close: 11/27/05
(open for thirty days)

Testimony period for defendant in the counterclaim
and its rebuttal testimony as plaintiff in the
opposition to close: 1/26/06
(open for thirty days)

Rebuttal testimony period for plaintiff in the
counterclaim to close: 3/12/06
(open for fifteen days)

Briefs shall be due as follows:
[See Trademark rule 2.128(a)(2)].

Brief for plaintiff in the opposition shall be due: 5/11/06

Brief for defendant in the opposition and as
plaintiff in the counterclaim shall be due:

6/10/06

Brief for defendant in the counterclaim and its reply
brief (if any) as plaintiff in the opposition
shall be due:

7/10/06

Reply brief (if any) for plaintiff in the
counterclaim shall be due:

7/25/06

An oral hearing will be set only upon request filed as
provided by Trademark Rule 2.129.

* * * * *